

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--------------------------|---|----------------------------|
| YVONNE WHITMAN DOOLIN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:12-CV-112 (CEJ) |
| |) | |
| FLO-GP LEASING CO., LLC, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

Plaintiff Yvonne Whitman Doolin is the surviving daughter of Canary Whitman, who died on February 2, 2011, allegedly of complications from injuries sustained while she lived in a St. Louis-area nursing facility operated by defendant Flo-GP Leasing Co., LLC. Plaintiff brings this action for wrongful death, invoking diversity of citizenship under 28 U.S.C. § 1332(a) as the basis for jurisdiction. In the complaint, plaintiff alleges that she is a citizen of Missouri and that defendant is an Ohio limited liability corporation. In its answer, defendant admits these allegations but does not state the citizenship of its members.

District courts have original jurisdiction of all civil actions where the amount in controversy exceeds \$75,000 and is between citizens of different states. 28 U.S.C. § 1332(a). For the purposes of diversity jurisdiction, limited liability companies are citizens of every state in which any member is a citizen. See GMAC Commercial Credit, LLC v. Dillard Dep't Stores, Inc., 357 F.3d 827, 829 (8th Cir. 2004).

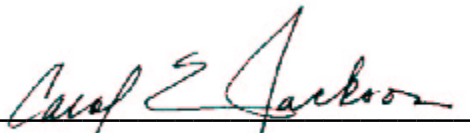
In this case, the pleadings do not identify the citizenship of each member of the limited liability company and thus plaintiff has not alleged facts sufficient to show that there is complete diversity of citizenship between the parties. Rather than dismissing

the complaint, however, the Court will give plaintiff an opportunity to amend the complaint to include facts necessary to establish jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall have until **March 23, 2012**, to file an amended complaint alleging facts sufficient to establish subject matter jurisdiction.

IT IS FURTHER ORDERED that the Rule 16 Scheduling Conference set for March 15, 2012, is cancelled.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 9th day of March, 2012.